

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
GABINO GENAO,

Plaintiff,

-against-

CITY OF NEW YORK; SONYA HARVEY, ASSISTANT
DEPUTY WARDEN OF MDC; OFFICER NWOSU,
EMERGENCY SERVICE UNIT (ESU); ESU OFFICER
FREEMANTLE; MDC CAPTAIN COHALL; ESU
CAPTAIN MOISE; ESU CAPTAIN MCCARTHY; AND
CYNTHIA BRANN, DEPARTMENT OF
CORRECTION (DOC) COMMISSIONER,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/11/2021

21 Civ. 301 (AT) (DCF)

ORDER OF SERVICE

ANALISA TORRES, United States District Judge:

Plaintiff, currently detained in the Manhattan Detention Complex (MDC), brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants violated his constitutional rights. By order dated March 10, 2021, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* (IFP).¹

DISCUSSION

A. Waiver of Service for Defendants the City of New York, Assistant Deputy Warden of MDC Sonya Harvey, Emergency Service Unit (ESU) Officer Nwosu, ESU Officer Freemantle, MDC Captain Cohall, ESU Captain Moise, ESU Captain McCarthy, and New York City Department of Correction (DOC) Commissioner Cynthia Brann

The Clerk of Court is directed to notify the New York City Department of Correction (DOC) and the New York City Law Department of this order. The Court requests that the City of New York, Assistant Deputy Warden of MDC Sonya Harvey, ESU Officer Nwosu, ESU Officer

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

Freemantle, MDC Captain Cohall, ESU Captain Moise, ESU Captain McCarthy, and DOC Commissioner Cynthia Brann waive service of summons.

B. Local Civil Rule 33.2

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the Court's website under "Forms" and are titled ["Plaintiff's Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents."](#) Within 120 days of service of the complaint, Defendants must serve responses to these standard discovery requests. In their responses, Defendants must quote each request verbatim.²

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is directed to electronically notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that Defendants the City of New York, Assistant Deputy Warden of MDC Sonya Harvey, ESU Officer Nwosu, ESU Officer Freemantle, MDC Captain Cohall, ESU Captain Moise, ESU Captain McCarthy, and DOC Commissioner Cynthia Brannwaive service of summons.

² If Plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the Pro Se Intake Unit.

Local Civil Rule 33.2 applies to this action.

SO ORDERED.

Dated: March 11, 2021
New York, New York



ANALISA TORRES
United States District Judge